

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

August 28, 2006

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Cantil-Sakauye, Associate Justice; and Ellis, bailiff.

**C048668 STATE COMPENSATION INSURANCE FUND v. WORKERS'
COMPENSATION APPEALS BOARD et al.**

C049286 SANDHAGEN v. WORKERS' COMPENSATION APPEALS BOARD et al.

Cause called. Don E. Clark argued for respondent. Marguerite Sweeney argued for respondent Sandhagen. Charles Rondeau argued for Amicus Curiae California Applicants Attorneys Assn. Neil P. Sullivan argued for WCAB. Cause submitted.

At 10:36 a.m., the court recessed. At 10:40 a.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice and Cantil-Sakauye, Associate Justice.

C049744 THE PEOPLE v. XIONG

Cause called. William J. Capriola, court appointed counsel, argued for appellant. Melissa J. Lipon, Deputy Attorney General, argued for respondent. Cause submitted.

**C049919 CALIFORNIA FARM BUREAU FEDERATION et al. v. CALIFORNIA WILDLIFE
CONSERVATION BOARD et al. and MORA
COUNTY OF COLUSA v. CALIFORNIA WILDLIFE CONSERVATION BOARD
et al.**

Cause called. Deborah A. Wordham, Deputy Attorney General, argued for appellants. Timothy M. Taylor argued for cross-complainant and respondent. Alan N. Bick, argued for plaintiffs and respondents. Brenda Washington Davis argued for intervener and respondent. Cause submitted.

At 11:24 a.m., the court recessed. At 1:59 p.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C050393 ROGERS v. DEPARTMENT OF MOTOR VEHICLES

Cause called. Jonathan C. Turner argued for appellant. Tamara L. Morgan, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:31 p.m., the court recessed until 9:30 a.m., Monday, September 18, 2006.

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August 28, 2006, continued

- C049593 THE PEOPLE v. HIGGINBOTHAM (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C050880 THE PEOPLE v. ADUDELL (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C051489 THE PEOPLE v. COLBERT (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.
- C051883 THE PEOPLE v. COFFEY (Not for Publication)**
The judgment is modified to strike the habitual traffic offender classification. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
DAVIS, J.
We Concur: Scotland, P.J.
Hull, J.
- C052266 THE PEOPLE v. BUGENIG (Not for Publication)**
The order sustaining counts III and IV is reversed and those counts are dismissed... The superior court is directed to prepare an amended abstract of judgment reflecting these changes and to forward a copy thereof to the Department of Corrections and Rehabilitation.
BLEASE, Acting P.J.
We Concur: Sims, J.
Butz, J.
- C050101 HOBBS v. HOBBS-WLAS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Butz, J.

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August 28, 2006, continued

C050789 VANDERMOON et al. v. SANWONG et al. (CERTIFIED FOR PUBLICATION)

The judgment is affirmed.

Blease, Acting P.J.

We Concur: Morrison, J.

Robie, J.

C051118 In re DANIELLE R.; THE PEOPLE v. DANIELLE R.

(Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Davis, Acting P.J.

Hull, J.

**C049783 RANCHO MURIETA AIRPORT, INC. v. COUNTY OF SACRAMENTO and
DEPARTMENT OF TRANSPORTATION (CERTIFIED FOR PUBLICATION)**

THE COURT:

The opinion in the above-entitled matter filed on July 27, 2006, was not certified for publication in the Official Reports. For good cause, it now appears that the opinion should be published in the Official Reports and it is so ordered.

BY THE COURT:

RAYE, Acting P.J.

MORRISON, J.

HULL, J.

August 29, 2006

C045935 THE PEOPLE v. GONZALEZ et al. (Certified for Partial Publication)

The trial court is directed to prepare a corrected abstract of judgment...

As so modified, the judgments are affirmed. The trial court is directed to forward certified copies of the corrected and amended abstracts of judgment to the Department of Corrections and Rehabilitation.

MORRISON, J.

I Concur: Blease, Acting P.J.

With regard to part II of the Discussion of the majority opinion and opinion's disposition, I respectfully dissent...

Robie, J.

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August 29, 2006, continued

- C048241 THE PEOPLE v. MURPHY (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C050124 THE PEOPLE v. MASSIE (CERTIFIED FOR PUBLICATION)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C050993 THE PEOPLE v. GRIFFEN (Not for Publication)**
The appeal is dismissed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Nicholson, J.
- C051598 THE PEOPLE v. PRICE (Not for Publication)**
The appeal is dismissed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Raye, J.
- C051954 THE PEOPLE v. HAHN (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Davis, J.
Hull, J.
- C049998 SINGH v. SOUTHGATE PROFESSIONAL CONDOMINIUM OWNERS
ASSOCIATION (Not for Publication)**
The order (judgment) dismissing appellant's action is affirmed.
Respondent shall recover its costs on appeal. (Cal. Rules of Court, rule 27
(a)(1).) Respondent's requested for sanctions is denied.
RAYE, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

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August 30, 2006

MISC ORDER 2006-012

Associate Justice George W. Nicholson is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court. rules 75, 77, and 78, during the absence of the Presiding Justice from the court on August 31, 2006. Associate Justice Fred Morrison is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court. rules 75, 77, and 78, during the absence of the Presiding Justice from the court on September 1, 2006, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Scotland, P.J.

C049214 THE PEOPLE v. GALINDO (CERTIFIED FOR PUBLICATION)

The opinion in the above entitled matter filed on August 15, 2006, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.
FOR THE COURT:

SIMS, Acting P.J.
MORRISON, J.
BUTZ, J.

C051236 In re O.C.; THE PEOPLE v. O.C. (Not for Publication)

The judgment is affirmed.
BLEASE, Acting P.J.

We Concur: Morrison, J.
Robie, J.

**C051516 In re KAYLEIGH G. et al.; LASSEN COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. SHAWNA C. (Not for Publication)**

The orders terminating parental rights are reversed and the matter is remanded for the limited purpose of allowing the juvenile court to inquire whether either parent claims Indian heritage...

BUTZ, J.

I concur: Blease, Acting P.J.

I concur in the judgment and in part II of the opinion...
Sims, J.

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August 31, 2006

- C047366 THE PEOPLE v. NELSON (Certified for Partial Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C049018 THE PEOPLE v. PALMER (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Davis, J.
- C049570 THE PEOPLE v. WILLIAMS (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Robie, J.
- C050155 THE PEOPLE v. HILL (Certified for Partial Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract reflecting the modification and forward a copy to the Department of Corrections and Rehabilitation.
(CERTIFIED FOR PARTIAL PUBLICATION.)
NICHOLSON, J.
We Concur: Scotland, P.J.
Sims, J.
- C049043 RUDELL v. VISCIA (Not for Publication)**
The order denying Viscia's special motion to strike is reversed. The matter is remanded to the trial court to determine whether Ruddell had established that there is a probability he will prevail on his claims. Viscia shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a)(1).)
ROBIE, J.
We Concur: Scotland, P.J.
Davis, J.

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We Concur: Sims, Acting P.J.
 Hull, J.

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Sims, Acting P.J.

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September 1, 2006

- C049653 THE PEOPLE v. GALLOW et al. (Not for Publication)**
As to Shamarra, the judgment (order granting probation) is reversed, and the case is remanded to the trial court for further proceedings on the issue of reimbursement of attorney fees. As to Lucretia and Singleton, the judgments of conviction are affirmed, but the orders for reimbursement of the cost of legal assistance are reversed and the cases are remanded to the trial court for further proceedings on the issue of reimbursement of attorney fees.
ROBIE, J.
We Concur: Davis, Acting P.J.
Hull, J.
- C049906 THE PEOPLE v. MATSUMOTO (Not for Publication)**
The judgment (order granting probation) is reversed, and the trial court is directed to enter a new and different order granting defendant's suppression motion.
BLEASE, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C051079 THE PEOPLE v. SEVILLA (Not for Publication)**
Jurisdiction in case No. 032653 is transferred to the appellate division of the superior court...
HULL, J.
We Concur: Scotland, P.J.
Davis, J.
- C051805 THE PEOPLE v. MORA (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.
HULL, J.
We Concur: Sims, Acting P.J.
Davis, J.
- C049458 ADISESH v. NANJAPPA and BETADPUR (Not for Publication)**
Except as to that portion of the complaint seeking recovery of \$45,000 paid into Nanjappa's bankruptcy estate, the judgment of dismissal is reversed. The parties shall bear their own costs on appeal.
RAYE, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

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September 1, 2006, continued

**C049936 SERVICES EMPLOYEES INTERNATIONAL UNION, LOCAL 1000 (CSEA) v.
DEPARTMENT OF PERSONNEL ADMINISTRATION
(CERTIFIED FOR PUBLICATION)**

The judgment is affirmed.

RAYE, J.

We Concur: Davis, Acting P.J.
 Hull, J.

**C049903 In re WALTER M.; THE PEOPLE v. WALTER M.
(Not for Publication)**

The juvenile court's order denying the minor good time/work time credits
is affirmed.

SCOTLAND, P.J.

We Concur: Davis, J.
 Raye, J.

**C050037 In re ULISES P.; THE PEOPLE v. ULISES P.
(Not for Publication)**

The judgment (order) of the juvenile court is affirmed.

ROBIE, J.

We Concur: Raye, Acting P.J.
 Morrison, J.